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DATE: December 1, 2005

TO: Examiner Frederick C. Conley
TC Art Unit: 3673

Fax No.: (571) 273 8300

FROM: Charles L. Gagnebin III

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Our File: VER-178XX

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Sent by: Debbi

Application No. 10/776,018
Filed Date: February 10, 2004
Confirmation No.: 9076A confirmation copy of this transmission will not be mailed unless the following is checked: []
MESSAGEPLEASE DELIVER DIRECTLY TO:
EXAMINER FREDERICK C. CONLEY, TEL. (571) 272 7040
TC ART UNIT NO: 3673**FOR ENTRY**

Enclosed for filing please find a: Transmittal Sheet and Response

The Commissioner is hereby authorized to Charge Deposit Account No. 23-0804 for any additional
filing fees associated with this communication or credit any overpayment.

CLG/dkh/329664


Attorney for Applicant: Charles L. Gagnebin III
Registration No. 25,467**THIS MESSAGE MAY CONTAIN CONFIDENTIAL OR PRIVILEGED INFORMATION INTENDED ONLY
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Application No.: 10/776/018
 Filed: February 10, 2004
 TC Art Unit: 3673
 Confirmation No.: 9076

Rev 12/04

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Via Facsimile

COMMISSIONER FOR PATENTS

P.O. Box 1450

Alexandria, VA 22313-1450

Date: December 1, 2005

Attorney

Docket No.: VER-178XX

Sir:

In re application of: Robert Lievestro et al.

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Entitled: SEAT CUSHION, AND SEAT APPARATUS PROVIDED WITH SUCH A SEAT CUSHION

Transmitted herewith is a response in the above-identified application. The following checked items are applicable:

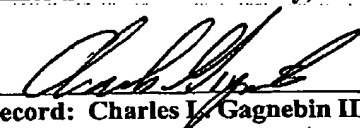
- ☐ This is a Request for Continued Examination under §1.114; authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$) per §1.17(e).
- ☐ Enter the unentered amendment previously filed on per §1.116.
- ☐ A Petition for Extension of Time for month is hereby made under §1.136(a); authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of same (\$) per §1.17.
- ☒ In the event a Petition for Extension of Time is required by this paper and not otherwise provided, such Petition is hereby made and authorization is provided herewith to charge Deposit Account No. 23-0804 for the cost of such extension.
- ☐ Other:

| CLAIMS AFTER AMENDMENT: | MINUS PRIOR PAID CLAIMS: | EQUALS PRESENT EXTRA CLAIMS: | RATE: | ADDITIONAL FEE: |
|---|--------------------------|------------------------------|--------------|-----------------|
| Independent | 1 - 3 | = 0 | x \$200.00 = | 0 |
| Total | 23 - 23 | = 0 | x \$ 50.00 = | 0 |
| <input type="checkbox"/> Multiple Dependent Claims (1st presentation) | | | + \$360.00 = | 0 |
| SUBTOTAL ADDITIONAL FEE | | | | 0 |
| Small Entity filing, divide by 2. Small Entity status must be asserted. | | | | 0 |
| TOTAL ADDITIONAL FEE | | | | 0 |

- ☒ No additional fee. ☐ The fee has been calculated above; authorization is provided herewith to charge Deposit Account No. 23-0804 (\$) for the cost of same.

- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees under §1.16 associated with this communication or credit any overpayment to Deposit Account No. 23-0804.

I hereby certify that this correspondence is being sent via facsimile to Examiner Frederick C. Conley, TC Art Unit 3673, Fax No. (703) 872 9306, on 12-1-5.


 Attorney of Record: Charles L. Gagnebin III
 Registration No.: 25.467

CLG/dkh/329665

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DEC 01 2005


PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application : ROBERT LIEVESTRO, ET AL.
Application No. : 10/776,018
Filed : February 10, 2004
Confirmation No. : 9076
For : SEAT CUSHION, AND SEAT APPARATUS
PROVIDED WITH SUCH A SEAT CUSHION
Examiner : CONLEY, Frederick C.
Attorney's Docket : VER-178XX

TC Art Unit: 3673

I hereby certify that this correspondence is being sent via
facsimile to Examiner Frederick C. Conley, TC Art Unit 3673, Fax
No. (703)872 9306, on 12-1-5

By: 
Charles L. Gagnebin III
Registration No. 25,467
Attorney for Applicant(s)

RESPONSE

Via Facsimile
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Office Action dated September 13, 2005,
we respectfully note that Applicant's priority date of February
10, 2003 is earlier than the filing date for US patent to
England (U.S. Patent 6,918,146; filed June 19, 2003), where
citation of England is an essential basis for Examiner's
rejection.

WEINGARTEN, SCHURGIN,
GAGNEBIN & LEBOVICI LLP
TEL. (617) 542-2290

Application No. 10/776,018

Filed: 2/10/2004

TC Art Unit: 3673

Confirmation No.: 9076

The Examiner has acknowledged in a telephone conversation (on or about October 10-13th, 2005) that this fact serves to moot the Office Action dated September 13, 2005.

Therefore, Applicant respectfully submits that claims 2-14, 16-17, and 19-26 remain in proper form for allowance, and further requests that Applicant be allowed a subsequent non-final Office Action for additional response in the event that Examiner's subsequent examination does not lead to allowance.

The Examiner is encouraged to telephone the undersigned attorney to discuss any matter which would expedite allowance of the present application.

Respectfully submitted,

ROBERT LIEVESTRO, ET AL.

By: 

Charles L. Gagnebin III

Registration No. 25,467

Attorney for Applicant(s)

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